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10/698,783	10/31/2003	David S. Benco	LUTZ 2 00250	1742

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EXAMINER	
DEAN, RAYMOND S	

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/698,783	BENCO, DAVID S.	
	Examiner	Art Unit	
	RAYMOND S. DEAN	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5 and 7-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5 and 7-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 10, 18 regarding the feature of determining a delivery preference based at least in part on information retrieved from at least one database have been considered but are moot in view of the new ground(s) of rejection.

Pyhalammi (US 2003/0045273), which also teaches a messaging system that delivers content to mobile devices, teaches the feature of determining a delivery preference for a mobile station based at least in part on information retrieved from at least one database (Section 0021 lines 1 - 8, lines 10 - 13, the user selects from a list, which is the database, of delivery classes or options).

Examiner respectfully disagrees with Applicants' on the matter of Shinohara not teaching "a call origination module operative to originate based on the delivery preference, subsequent call to the second mobile station". Section 0049 shows the immediate delivery, which is a delivery preference, of the content to the mobile devices upon the receiving of the reception requests. In order for there to be immediate delivery of said content there will need to be the placement of a call to the mobile devices that are to receive said content (See Section 0047). Shinohara thus teaches the limitation in question.

Examiner further disagrees with Applicants' assertion that the selective prompting and means for performing the maintaining, deleting, or forwarding are not taught by

Shinohara (See Page 10, 2nd Paragraph of Remarks). Section 0047 of Shinohara show the notification that content for the destination mobile is available via an incoming call, which is the prompting. In order for there to be immediate delivery there will need to be notification of an incoming call thus enabling said immediate delivery to occur. Sections 0048 - 0049 of Shinohara show the feature of forwarding the content based on the response to the prompt.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 - 2, 4 - 5, 7, 10 - 15, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinohara (US 2002/0132608) in view of Pyhalammi et al. (US 2003/0045273)

Regarding Claim 1, Shinohara teaches a system to provide transmission of video data from a first mobile station to a second mobile station in a network, the system comprising: a call recognition module operative to recognize a call from the first mobile station to the second mobile station as including the video data (Figures 3, 5, Sections 0034, 0036 – 0037, 0044 – 0047, information regarding the formats of the media types such as video data format V1 enables the determination of whether or not a call includes video data) and, if the video data is present, validate the second mobile station

as capable of receiving the video data (Sections 0044 – 0046) and determine a delivery preference for the second mobile station (Section 0049, the delivery preference is to have multimedia message that is held in the MMS servers immediately forwarded), a storage module operative to have stored therein the video data (Section 0036); an announcement module operative to selectively prompt, based on the delivery preference, the second mobile station if the second mobile station is validated (Sections 0045 – 0047, the prompt is the incoming call notification), receive a response to the prompt from the second mobile station and selectively forward the response (Sections 0048, 0049, the response is the reception request); and, a control module operative to store the video data in the storage module upon recognition (Section 0047, upon recognizing a received multimedia message comprising video data said video data is stored in the appropriate server), receive the response from the announcement module and, based on at least one of the delivery preference and the response, perform at least one of maintaining the video data in the storage module, deleting the video data from the storage module, and forwarding the video data to the second mobile station (Sections 0048 – 0049, the video data is forwarded to the mobile telephones).

Shinohara does not teach determining a delivery preference for the second mobile station based at least in part on information retrieved from at least one database.

Pyhalammi, which also teaches a messaging system that delivers content to mobile devices, teaches the feature of determining a delivery preference for a mobile station based at least in part on information retrieved from at least one database

(Section 0021 lines 1 - 8, lines 10 - 13, the user selects from a list, which is the database, of delivery classes or options).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Shinohara with the above delivery preference feature for the purpose of allowing data traffic on the wireless network to be more evenly distributed over a twenty-four day cycle, thus actually increasing the total network throughput, without having to upgrade the wireless network components as taught by Pyhalammi.

Regarding Claim 10, Shinohara teaches a method for transmitting video data from a first mobile station to a second mobile station in a network, the method comprising: recognizing a call from the first mobile station to the second mobile station as including the video data (Figures 3, 5, Sections 0034, 0036 – 0037, 0044 – 0047, information regarding the formats of the media types such as video data format V1 enables the determination of whether or not a call includes video data); if the video data is present, validating the second mobile station as capable of receiving the video data (Sections 0044 – 0046) and determining a delivery preference for the second mobile station (Section 0049, the delivery preference is to have multimedia message that is held in the MMS servers immediately forwarded); storing the video data in a storage module (Section 0036); selectively prompting, based on the delivery preference, the second mobile station if the second mobile station is validated (Sections 0045 – 0047, the prompt is the incoming call notification); receiving a response to the prompt from the second mobile station (Sections 0048, 0049, the

response is the reception request); and, based on at least one of the delivery preference and the response, performing at least one of maintaining the video data in the storage module, deleting the video data from the storage module, and forwarding the video data to the second mobile station (Sections 0048 – 0049, the video data is forwarded to the mobile telephones).

Shinohara does not teach determining a delivery preference for the second mobile station based at least in part on information retrieved from at least one database.

Pyhalammi, which also teaches a messaging system that delivers content to mobile devices, teaches the feature of determining a delivery preference for a mobile station based at least in part on information retrieved from at least one database (Section 0021 lines 1 - 8, lines 10 - 13, the user selects from a list, which is the database, of delivery classes or options).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Shinohara with the above delivery preference feature for the purpose of allowing data traffic on the wireless network to be more evenly distributed over a twenty-four day cycle, thus actually increasing the total network throughput, without having to upgrade the wireless network components as taught by Pyhalammi.

Regarding Claims 2, 11, Shinohara in view Pyhalammi of teaches all of the claimed limitations recited in Claims 1, 10. Shinohara further teaches wherein the call recognition module validates the second mobile station by performing a look-up operation on a mobile subscriber database (Sections 0037, 0045).

Regarding Claims 4, 12, Shinohara in view of Pyhalammi teaches all of the claimed limitations recited in Claims 1, 10. Shinohara further teaches wherein the prompt comprises a ringing tone (Sections 0047 – 0048, typical mobile phones are notified of an incoming call via a ringing tone).

Regarding Claims 5, 13, Shinohara in view of Pyhalammi teaches all of the claimed limitations recited in Claims 1, 10. Shinohara further teaches wherein the prompt comprises an announcement (Section 0047, the notification is the announcement).

Regarding Claims 14, 19, Shinohara in view of Pyhalammi teaches all of the claimed limitations recited in Claims 1, 10. Shinohara further teaches wherein the response comprises at least one of a rejection of the video data, a request for immediate delivery of the video data, and a request for delayed delivery of the video data (Sections 0048 – 0049).

Regarding Claims 7, 15, Shinohara in view of Pyhalammi teaches all of the claimed limitations recited in Claims 1, 10. Shinohara further teaches a call origination module operative to originate, based on the delivery preference, a subsequent call to the second mobile station to selectively prompt, based on the delivery preference, the second mobile station if the second mobile station is validated (Sections 0044 - 0045, 0047), receive the response to the prompt from the second mobile station and selectively forward the response to the control module (Sections 0048 – 0049).

4. Claims 18, 20, 23 - 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinohara (US 2002/0132608) in view of Pyhalammi et al. (US 2003/0045273) and in further view of Kring et al. (US 2003/0105825).

Regarding Claim 18, Shinohara teaches a system for transmitting video data from a first mobile station to a second mobile station in a network, the system comprising: means for recognizing a call from the first mobile station to the second mobile station as including the video data (Figures 3, 5, Sections 0034, 0036 – 0037, 0044 – 0047, information regarding the formats of the media types such as video data format V1 enables the determination of whether or not a call includes video data); means for validating the second mobile station as capable of receiving the video data (Sections 0044 – 0046) and determining a delivery preference for the second mobile station (Section 0049, the delivery preference is to have multimedia message that is held in the MMS servers immediately forwarded), wherein the delivery preferences include immediate delivery of video data (Section 0049, multimedia message that is held in the MMS servers immediately forwarded upon receipt of the reception requests) and conditional delivery of video data (Section 0049, the delivery preference is to have multimedia message that is held in the MMS servers immediately forwarded, the video data will be delivered if the user sends a reception request, which is the condition, thus there will be conditional delivery of data), means for storing the video data in a storage module (Section 0036); means for selectively prompting the second mobile station if the second mobile station is validated (Sections 0045 – 0047, the prompt is the incoming call notification); means for receiving a response to the prompt from the

second mobile station (Sections 0048, 0049, the response is the reception request), and, means for performing, based on at least one of the delivery preference and the response, at least one of maintaining the video data in the storage module, deleting the video data from the storage module, and forwarding the video data to the second mobile station (Sections 0048 – 0049, the video data is forwarded to the mobile telephones).

Shinohara does not teach determining a delivery preference for the second mobile station based at least in part on information retrieved from at least one database, wherein the delivery preferences include a rejection of video data and delayed delivery of video data.

Pyhalammi, which also teaches a messaging system that delivers content to mobile devices, teaches the feature of determining a delivery preference for a mobile station based at least in part on information retrieved from at least one database (Section 0021 lines 1 - 8, lines 10 - 13, the user selects from a list, which is the database, of delivery classes or options) and a delivery preference that includes delayed delivery of video data (Sections 0021 lines 1 - 8, 0029 lines 1 - 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Shinohara with the above delivery preference feature for the purpose of allowing data traffic on the wireless network to be more evenly distributed over a twenty-four day cycle, thus actually increasing the total network throughput, without having to upgrade the wireless network components as taught by Pyhalammi.

Kring teaches delivery preferences including a rejection of video data and delayed delivery of the video data (Sections 0010 lines 1 – 4, 0034, 0058 lines 1 – 8, 0093 – 0098, discarding a message corresponds to rejection of a message).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Shinohara in view of Pyhalammi with the policy based management feature of Kring for the purpose of improving data management in the mobile network as taught by Kring.

Regarding Claim 20, Shinohara in view of Pyhalammi and in further view of Kring teaches all of the claimed limitations recited in Claim 18. Shinohara further teaches a call origination module operative to originate, based on the delivery preference, a subsequent call to the second mobile station to selectively prompt, based on the delivery preference, the second mobile station if the second mobile station is validated (Sections 0044 - 0045, 0047), receive the response to the prompt from the second mobile station and selectively forward the response to the control module (Sections 0048 – 0049).

Regarding Claim 23, Shinohara in view of Pyhalammi and in further view of Kring teaches all of the claimed limitations recited in Claim 18. Shinohara further teaches wherein the response comprises at least one of a rejection of the video data, a request for immediate delivery of the video data, and a request for delayed delivery of the video data (Sections 0048 – 0049).

Regarding Claims 24, 25, Shinohara in view of Pyhalammi teaches all of the claimed limitations recited in Claims 1, 10. Shinohara further teaches wherein the

delivery preferences include immediate delivery of video data and conditional delivery of data (Section 0049, the delivery preference is to have multimedia message that is held in the MMS servers immediately forwarded, the video data will be delivered if the user sends a reception request, which is the condition, thus there will be conditional delivery of data). Pyhalammi further teaches delivery preferences including a delayed delivery of the video data (Sections 0021 lines 1 - 8, 0029 lines 1 - 5).

Shinohara in view of Pyhalammi does not teach delivery preferences including a rejection of video data.

Kring teaches delivery preferences including a rejection of video data (Sections 0010 lines 1 – 4, 0034, 0058 lines 1 – 8, 0093 – 0098, discarding a message corresponds to rejection of a message).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Shinohara in view of Pyhalammi with the policy based management feature of Kring for the purpose of improving data management in the mobile network as taught by Kring.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shinohara (US 2002/0132608) in view of Pyhalammi et al. (US 2003/0045273), as applied to Claim 1 above, and further in view of Tervo et al. (US 2004/0207719).

Regarding Claim 3, Shinohara in view of Pyhalammi teaches all of the claimed limitations recited in Claim 1. Shinohara in view of Pyhalammi does not teach wherein the storage module is a first-in, first-out (FIFO) buffer.

Tervo teaches a storage module that is a first-in, first-out buffer (Section 0036 lines 6 – 12).

Shinohara in view of Pyhalammi and Tervo both teach an MMS system in which video data is stored for subsequent forwarding to a mobile terminal thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the first-in, first-out buffer of Tervo as an alternative means for achieving the same predictable result of storing video data for subsequent forwarding to a mobile terminal.

6. Claims 8, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinohara (US 2002/0132608) in view of Pyhalammi et al. (US 2003/0045273), as applied to Claims 1, 10 above, and further in view of Cox et al. (US 2001/0044325).

Regarding Claims 8, 16, Shinohara in view of Pyhalammi teaches all of the claimed limitations recited in Claims 1, 10. Shinohara in view of Pyhalammi does not teach wherein the announcement module provides a signal to the first mobile station that delivery will be blocked if the call recognition module does not validate the second mobile station.

Cox teaches providing a signal to a mobile station that delivery will be blocked if the called device is not validated (Section 0048).

It would have been obvious to one of ordinary skill in the art at the time the invention to modify the system of Shinohara in view of Pyhalammi with the call blocking circuitry and method of Cox for the purpose of enabling an effective management of the wireless telephones by an organization that issues said wireless telephones to selected

employees as taught by Cox thus adding versatility to the system of Shinohara in view of Pyhalammi via enabling the system of Shinohara in view of Pyhalammi to be used in a corporate environment.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shinohara (US 2002/0132608) in view of Pyhalammi et al. (US 2003/0045273) in view of Kring et al. (US 2003/0105825), as applied to Claim 18 above, and further in view of Cox et al. (US 2001/0044325).

Regarding Claim 21, Shinohara in view of Pyhalammi and in further view of Kring teaches all of the claimed limitations recited in Claim 18. Shinohara in view of Pyhalammi and in further view of Kring does not teach wherein the announcement module provides a signal to the first mobile station that delivery will be blocked if the call recognition module does not validate the second mobile station.

Cox teaches providing a signal to a mobile station that delivery will be blocked if the called device is not validated (Section 0048).

It would have been obvious to one of ordinary skill in the art at the time the invention to modify the system of Shinohara in view of Pyhalammi and in further view of Kring with the call blocking circuitry and method of Cox for the purpose of enabling an effective management of the wireless telephones by an organization that issues said wireless telephones to selected employees as taught by Cox thus adding versatility to the system of Shinohara in view of Pyhalammi and in further view of Kring via enabling

the system of Shinohara in view of Pyhalammi and in further view of Kring to be used in a corporate environment.

8. Claims 9, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinohara (US 2002/0132608) in view of Pyhalammi et al. (US 2003/0045273), as applied to Claims 1, 10 above, and further in view of Turunen (US 7,289,792)

Regarding Claims 9, 17, Shinohara in view of Pyhalammi teaches all of the claimed limitations recited in Claims 1, 10. Shinohara further teaches wherein the control module forwards the video data from the storage module if the call recognition module does not validate the second mobile station (Sections 0046, 0048, the video data can still be forwarded to a terminal that has not been validated as being able to receive video data).

Shinohara in view of Pyhalammi does not teach wherein the control module deletes the video data from the storage module if the call recognition module does not validate the second mobile station.

Turunen teaches a multimedia system in which video data is deleted from storage (Cols. 1 lines 21 – 31, 9 lines 29 – 58, the store and forward feature comprises storing the message temporarily and then forwarding said message, which further comprises deleting said message from storage).

Shinohara in view of Pyhalammi and Turunen both teach a wireless multimedia system in which video data is stored and forwarded to mobile devices thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use

the store and forward method of Turunen as an alternative means for achieving the same predictable result of storing and forwarding video data to mobile devices.

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shinohara (US 2002/0132608) in view of Pyhalammi et al. (US 2003/0045273) in view of Kring et al. (US 2003/0105825), as applied to Claim 18 above, and further in view of Turunen (US 7,289,792)

Regarding Claim 22, Shinohara in view of Pyhalammi and in further view of Kring teaches all of the claimed limitations recited in Claim 18. Shinohara further teaches wherein the control module forwards the video data from the storage module if the call recognition module does not validate the second mobile station (Sections 0046, 0048, the video data can still be forwarded to a terminal that has not been validated as being able to receive video data).

Shinohara in view of Pyhalammi and in further view of Kring does not teach wherein the control module deletes the video data from the storage module if the call recognition module does not validate the second mobile station.

Turunen teaches a multimedia system in which video data is deleted from storage (Cols. 1 lines 21 – 31, 9 lines 29 – 58, the store and forward feature comprises storing the message temporarily and then forwarding said message, which further comprises deleting said message from storage).

Shinohara in view of Pyhalammi in further view of Kring and Turunen both teach a wireless multimedia system in which video data is stored and forwarded to mobile

devices thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the store and forward method of Turunen as an alternative means for achieving the same predictable result of storing and forwarding video data to mobile devices.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAYMOND S. DEAN whose telephone number is (571)272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raymond S Dean/
Examiner, Art Unit 2618

Raymond S. Dean
December 4, 2008

/Edward Urban/
Supervisory Patent Examiner, Art Unit 2618